

DATE: October 15, 2014

TO: Alex Dambach, Division Chief  
Department of Planning and Zoning

FROM: Ann Horowitz, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2014-0097  
Administrative Review for Change of Ownership  
Site Use: Restaurant  
Proposed Business Name: Emily's Kitchen  
Applicant: Misun Park  
Location: 3601 Eisenhower Avenue, Suite 120  
Zone: OCM-100/Office Commercial Medium

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### **Request**

Special Use Permit #2014-0097 proposes to change the ownership of a restaurant at 3601 Eisenhower Avenue from Song Sun Choi to Misun Park. The applicant requests to reopen the restaurant under the trade name of Emily's Kitchen with no other changes proposed to the business.

### **Background**

City Council approved a Special Use Permit #2593 on June 13, 1992 for the operation of a restaurant at the subject site. Two additional changes of ownership were processed in 1999 and 2004.

### **Parking**

According to Section 8-200(A)(8), one off-street parking space is required for every restaurant seat. With 16 seats, the applicant is required to provide four parking spaces which are located in the office building parking garage.

### **Community Outreach**

Public Notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, the Townes at Cameron Park, Colonial Heights Homeowners Association, Early Street Village Homeowners Association, and the Quaker Village Homeowners Association have been informed of the change of ownership. Staff has not received any public comments.

### **Staff Action**

Staff considers the change of ownership as a reasonable request and supports the proposal since a restaurant has existed at this site for many years.

Conditions have been carried forward from the previous SUP with amendments to Conditions 4, 14, and 18 that reflect current standard language.

Staff hereby approves the Special Use Permit request.

**ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:**

Date: October 15, 2014

Action: Approved

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Alex Dambach, Division Chief

Attachments: 1) Special Use Permit Conditions  
2) Statement of Consent

**CONDITIONS OF SPECIAL USE PERMIT #2014-0097**

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP #2593)
2. Seating shall be provided inside for no more than 16 patrons. (P&Z) (SUP #2593)
3. No outside dining facilities shall be located on the premises. (P&Z) (SUP #2593)
4. **CONDITION AMENDED BY STAFF:** The hours during which the business is open to the public shall be restricted from 7:00 A.M. to 4:30 P.M., Monday through Friday, as requested by the applicant. Meals ordered before 4:30 P.M. may be served, but no new patrons may be admitted after 4:30 P.M., and all patrons must leave by 5:30 P.M. (P&Z) ~~(SUP #2593)~~
5. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day, and at the close of business, and more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #99-0122)
6. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2593)
7. Trash and garbage shall be stored inside or in a dumpster. (P&Z) (SUP #2593)
8. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP #99-0122)
9. No alcohol service in the restaurant and no off-premise alcohol sales are permitted. (P&Z) (SUP #99-0122)
10. No delivery service shall be provided. (P&Z) (SUP #99-0122)
11. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #99-0122)

12. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (P&Z) (SUP #99-0122)
13. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (P&Z)
14. **CONDITION AMENDED BY STAFF:** The applicant shall contact the ~~Crime Prevention~~ Community Relations Unit of the Alexandria Police Department at ~~703-838-4520~~ 703-746-6838 for a security survey for the business and a robbery awareness program for all employees. ~~as soon as the new owners take possession of the business.~~ (Police) (P&Z)
15. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation of the permit conditions, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. ~~(P&Z) (SUP #2004-0082)~~ (P&Z)
16. All loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line. (T&ES) (P&Z)
17. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and to provide instruction preventing underage sales of alcohol. (P&Z)
18. **CONDITION AMENDED BY STAFF:** The applicant shall ~~encourage its~~ require that employees to who drive to work use off-street parking and provide employees who use mass transit with subsidized bus and rail fare media, or to carpool when traveling to and from work, by posting information regarding The applicant shall post DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities Metrobus schedules on-site for employees. (P&Z) ~~(SUP#2004-0082)~~

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2014-0097. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 3601 Eisenhower Avenue.

\_\_\_\_\_  
Applicant – Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant – Printed

\_\_\_\_\_  
Date